



PATENT

ATTORNEY DOCKET NO.: 16627/09000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
JOSEPH E. JOHNSON

Serial No.: 09/873,768

Filed: June 4, 2001

Title: APPARATUS AND METHOD FOR  
HANDLING LOGICAL AND  
NUMERICAL UNCERTAINTY  
UTILIZING NOVEL  
UNDERLYING PRECEPTS

) Examiner: Chavis, John Q.  
)  
)

) Art Unit: 2124  
)  
)  
)  
)  
)  
)  
)  
)  
)

RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Office Action mailed January 6, 2005, and to the extent necessary, is also believed to fully respond to the Office Action of April 20, 2004. Favorable reconsideration and allowance of the present application are respectfully requested.

The undersigned received a Notice of Abandonment dated December 14, 2004 in relation to this application. The Notice of Abandonment indicated that the application had been abandoned because the RCE was improper and would not be entered. An Office Action was entered on January 6, 2005, however, in response to the RCE. As a result, applicant is unsure as to the current status of the present application. A Petition to Revive is being submitted herewith.

Formal drawings were submitted on October 25, 2004. The Examiner indicated that these drawings are acceptable.

Claims 1-6 were rejected under 35 USC 102(b) as being anticipated by U.S. Pat. No. 5,208,898 to Funabashi. This basis of rejection is respectfully traversed.

Regarding independent claim 1, the Office Action states that col. 3, lines 40-50 of Funabashi describes the claimed "input device." Similarly, col. 3, lines 29-37 of Funabashi is stated to describe the claimed "storage media."

It is well-established, however, that anticipation requires a reference to disclose all elements of the claim, arranged in the specific order set forth in the claim. In this regard, claim 1 does not require merely an input device, but an input device that supplies "input information including probability bittors indicating uncertainty of correctness." Notably, the meaning of the term "bittor" is defined in the present application as a "two-dimensional object similar to a 'vector' where the first component represents the probability of a 'one (1)' or 'truth (T)' and the second value the probability of being 'zero (0)' or false (F)."

Specification, page 6, lines 24-27. These bittors form the basis for various mathematical operations that can be performed in accordance with the present invention. While Funabashi mentions "grades," there is no indication that these grades are the same as applicant's bittors.

Similarly, the claimed "storage media" must contain rules that are "capable of processing said bittors." Because Funabashi does not disclose bittors, it also does not disclose rules for manipulating them.

The undersigned has reviewed MPEP 2113 and 2114 and believes that they are inapposite to the pending claims. MPEP 2113 relates to "product by process," which is not being claimed. MPEP 2114 discusses "functional language," but applicant is claiming an

electronic device programmed to operate in a specific and novel manner. It is well-settled that such a claim recites a new machine.

Accordingly, it is respectfully submitted that independent claim 1 and all claims dependent thereon is in condition for allowance. The various dependent claims serve to further limit and define the inventive subject matter set forth in the claims from which they depend. In view of the comments above, it is not believed necessary at the present time to discuss each of these dependent claims in detail. Applicant does not acquiesce in the merits of the rejection, however, and each dependent claim is believed to be fully patentable in its respective combination.

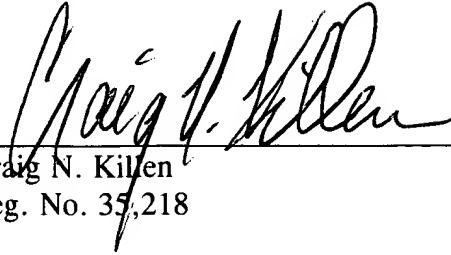
The Office Action indicates that the references provided with the Information Disclosure Statement (IDS) filed October 25, 2004 were not considered. In this regard, the Office Action states that "applicant is required to file the art within three months (3 mos.) of receipt." While filing within three months is one way of ensuring consideration of the art, it is but one of the options provided by 37 CFR 1.97. Accordingly, applicant is herewith submitting a substitute IDS in accordance with the provisions of 37 CFR 1.97(c).

The present IDS also includes the International Preliminary Examination Report dated 4/19/2002 for the corresponding PCT application. While this report is being submitted as requested, applicant does not believe that it is required to be submitted under the duty of disclosure described at 37 CFR 1.56. Notably, however, the International Preliminary Examination Report indicates that the subject matter of all claims satisfies the criteria of Novelty, Inventive Step and Industrial Applicability.

It is submitted that the present application, including claims 1-6, is in condition for allowance, and action to such effect is respectfully requested. The Examiner is invited to

telephone the undersigned to resolve any minor issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig N. Killen", written over a horizontal line.

Craig N. Killen  
Reg. No. 35,218

NELSON MULLINS RILEY  
& SCARBOROUGH, LLP  
P.O. Box 11070  
Columbia, SC 29211-1070  
(803) 799-2000  
Fax (803) 256-7500